

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|                                 |   |              |
|---------------------------------|---|--------------|
| JOHN DIEKMAN                    | : | CIVIL ACTION |
|                                 | : |              |
| vs.                             | : |              |
|                                 | : |              |
| ENERGY CHOICE MARKETING, INC.   | : | NO. 02-4681  |
| SHAI FISHMAN, S & D MARKETING   | : |              |
| INC., and CONSUMER CHOICE, INC. | : |              |

## ORDER

AND NOW, this day of November, 2002, upon consideration of the Motions of Defendants Shai Fishman and S & D Marketing, Inc. to Dismiss the Plaintiff's Complaint and it appearing to the Court that an Amended Complaint has since been filed, it is hereby ORDERED that the Motions to Dismiss are DENIED as MOOT.

BY THE COURT:

J. CURTIS JOYNER, J.